

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 599  
Case No. 88-18  
(Map - Colonel Brooks' Tavern)  
January 9, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on November 3, 1988. At that hearing session, the Zoning Commission considered an application from Brookland Properties, Inc., requesting to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

### FINDINGS OF FACT

1. The application, which was filed on June 20, 1988, requested to change the zoning from R-2 to C-1 for Lots 5, 7, 8, 12, and 21 in Square 3829, located on Monroe Street, N.E., between 9th and 10th Streets. All of the properties involved in the application are owned by the applicant.
2. The site comprises 35,000 square feet of land, is currently occupied by Colonel Brooks' Tavern, a neighborhood restaurant, with parking at the rear of the site. That portion of the site which includes lots 7, 8 and 5 is vacant. The majority of the site fronts on Monroe Street, N.E., a four-lane roadway that connects the 12th Street, N.E. commercial corridor with Michigan Avenue at Catholic University, and provides access to the Brookland/CUA Metrorail Station.
3. The existing restaurant use on lots 21 (former lots 13 & 14) is nonconforming. The proposed rezoning would make the existing restaurant a conforming use and enable the applicant to add a 2,256 square foot addition to the restaurant.
4. The predominant uses in the vicinity of the site are institutional, educational, religious and medical to the north, south, and west of the site; low-density residential to the east of the site; and commercial uses along the 12th Street corridor.

5. The R-2 District permits matter-of-right development of single-family detached and semi-detached dwellings units with a minimum lot area of 3,000 square feet, a minimum lot width of thirty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.
6. The C-1 District permits matter-of-right low density development to a maximum height of forty feet/three stories, a maximum floor area ratio (FAR) of 1.0 and an maximum lot occupancy of sixty percent.
7. The primary zone districts in the neighborhood are C-M-1, C-1, C-2-A, R-1-B, and R-2. The zoning directly across the street from the site is C-M-1, and contains primarily single-family dwellings, all nonconforming uses in this industrial zone. Commercial and industrial uses are permitted as a matter of right.
8. The District of Columbia Generalized Land Use Element Map of the Comprehensive Plan for the National Capital designates the site for low-density commercial and low-density residential use.
9. There are few local serving retail uses, particularly neighborhood food services, in the Brookland community. The location of a commercial use at the site across from Metrorail and Metro bus stations creates activity during the day and evening hours, thereby stimulating a safe and welcome environment important to the revitalization of District neighborhoods. There are adequate community facilities and services in the area.
10. The proposed addition will generally fill out the existing footprint of the restaurant to approximately 2,256 square feet. The maximum height of the existing and proposed restaurant would be 29 feet; the FAR, with the addition, would be .17; and the proposed lot occupancy would be 8 percent.
11. Traffic conditions in the vicinity of the site operate at peak hour levels of service in the B range or better. Matter-of-right development under the C-1 zoning would not have an adverse impact on the adjacent street system or on the surrounding area. The existing street system can accommodate the small amount of additional vehicular traffic generated by a proposed expansion plan. There is adequate public transportation in the area. From a traffic engineering viewpoint, the rezoning and the planned improvements

are in accordance with the Zoning Regulations, will promote the general welfare, and are not inconsistent with the Comprehensive Plan. There is sufficient off-street parking at the site.

12. The District of Columbia Office of Planning ("OP"), by written memorandum dated October 24, 1988, and through testimony at the public hearing, recommended approval of the proposed map change from R-2 to C-1. OP explained that the low density and commercial use constraints of the C-1 zone district are compatible with the surrounding R-4 zoned areas. OP found that the proposed map change is not inconsistent with the Comprehensive Plan goals and policies for the site. The site is shown graphically on the Generalized Land Use Map as appropriate for mixed-use, low-density commercial and residential land uses. Rezoning is also supported by the site's close proximity to the Brookland Metrorail Station development opportunity area. OP acknowledges that there is no adopted Ward Plan for the Ward 5 or specific adopted plan for the site area.
13. The D.C. Police and Fire Departments, Department of Finance and Revenue, Department of Housing and Community Development, and the Department of Recreation favor the proposed rezoning.
14. By memorandum dated October 19, 1988, the Office of Business and Economic Development ("OBED") supported the rezoning for the following reasons: (a) the zoning change is consistent with the District of Columbia Comprehensive Plan and the Generalized Land Use Maps, which designate the area for a mix of low-density residential and commercial uses; (b) it is appropriate to have neighborhood-serving retail and other commercial uses near Metrorail stations; (c) the rezoning will ensure that low-density commercial development will be permitted as a matter-of-right in the future; (d) the rezoning will add to the economic base of the District by providing additional employment opportunities and taxes; and (e) the proposed use provides the kind of development that OBED wants to see in the neighborhood with an arts presence. Arts facilities and neighborhood businesses or facilities, such as restaurants and cafes, benefit from each other's business.
15. Advisory Neighborhood Commission 5A ("ANC") voted to support the expansion of the restaurant, but to oppose any rezoning not directly related to the expansion. In its testimony the ANC acknowledged that the applicant's proposal is consistent with the Comprehensive Plan. Through cross-examination, the ANC stated that the only

C-1 use it opposed was community-based residential facility ("CBRF").

16. A number of persons opposed the application because of concerns about traffic, noise, the environment, security, and a potential decrease in residential property values. They also questioned whether commercial development was appropriate at the site. The Commission finds that the proposed amendment, as revised and adopted, would have no adverse impact in any of those areas.
17. The rezoning of lots 5 and 12 in Square 3829 is inappropriate, would result in commercial encroachment next to lots that are primarily residential in character, and would not be beneficial to the surrounding neighborhood.
18. Rezoning lots 7, 8, and 21 in Square 3829 to C-1 is appropriate to the character and scale of the neighborhood, and would promote and support the orderly expansion of the site.
19. The applicant has met the intent and purposes of the Zoning Regulations and the criteria of 11 DCMR 102.
20. The Commission concurs with the recommendations or positions of OP, MPD, DCFR, OBED, and other District agencies.
21. The Commission concurs with the position of ANC-5A, and believes that this order reasonably addresses the issues and concerns of ANC-5A.
22. The proposed action of the Zoning Commission to approve C-1 rezoning was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government Reorganization Act. NCPC, by report dated January 6, 1989, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Rezoning lots 7, 8 and 21 to C-1 as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-1 will promote orderly development in

conformity with the entirety of the District of Columbia Zone Plan as stated in the Zoning Regulations and Map of the District of Columbia.

3. Rezoning to C-1 will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-1 would not be inconsistent with the Comprehensive Plan of the District of Columbia.
5. The Zoning Commission has accorded "great weight" to the testimony of ANC-5A.

DECISION


In consideration of the findings of fact and conclusions of law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following:


Change from R-2 to C-1 lots 7,8, and 21 in Square 3829, on the south side of Monroe Street, N.E., between 9th and 10th Streets, N.E.

Vote of the Zoning Commission taken at the regular public meeting on December 12, 1988: 3-0 (John G. Parsons, Lindsley Williams and Maybelle Taylor Bennett to approve C-1, Lloyd D. Smith and Elliott Carroll, not voting not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting held on January 9, 1989, by a vote of 3-0 (Lindsley Williams and Maybelle Taylor Bennett to approve C-1, John G. Parsons to approve by proxy, Elliott Carroll and Lloyd D. Smith, not voting not having heard the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, specifically on MAR 03 1989.

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
EDWARD L. CURRY  
Executive Director  
Zoning Secretariat